

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference ARLS 8 B PCT		FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/FR2004/000694	International filing date (day/month/year) 22.03.2004	Priority date (day/month/year) 24.03.2003	
International Patent Classification (IPC) or national classification and IPC			
Applicant AIRLESSYSTEMS			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of _____ sheets, including this cover sheet.	
3. This report is also accompanied by ANNEXES, comprising:	
a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>3</u> sheets, as follows:	
<input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).	
<input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.	
b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4. This report contains indications relating to the following items:	
<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-12 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-12 _____ received by this Authority on 27.01.2005 with the letter of 24.01.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/3-3/3 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-12	YES
	Claims		NO
Inventive step (IS)	Claims	1-12	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
1. Reference is made to the following documents in the present notification:			
D1: DE 93 02 196 U (SCHUCKMANN ALFRED VON) 16 June 1994			
2. Document D1, which is considered to be the prior art closest to the subject matter of the claim, describes (the reference signs between parentheses apply to this document):			
A fluid dispenser including a first fluid dispensing member (lower pump P, figure 14) linked to a first fluid container (lower container K, figure 14), which first member includes a first actuating rod (15) movable along a first rod axis between an inoperative position and an operative position, and a second fluid dispensing member (upper pump P, figure 14) linked to a second fluid container (upper container K, figure 14), which second member includes a second actuating rod (15) movable along a second rod axis between an inoperative position and an operative position, wherein the first rod (15) includes a free end			

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Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

pointing in a first direction and the second rod (15) has a second free end pointing in a second direction, the two rods are mutually arranged in such a way that the first and second rod axes are parallel and the first direction is opposite to the second direction, as a result of which one dispensing member is upside-down relative to the other dispensing member, and at least one of the containers does not have an air inlet so that it becomes smaller as the fluid is removed therefrom.

It follows that the subject matter of claim 1 differs from this known dispenser in that:
One of the dispensing members is provided with a load adjustment spring for altering the load required to actuate said member.

Consequently, the subject matter of claim 1 is novel (PCT Article 33(2)).

The problem that the present invention is intended to solve can thus be considered to be that of adjusting or altering the order in which the two fluids are dispensed (the fluids are dispensed one after the other or simultaneously).

The solution to this problem, as proposed in claim 1 of the present application, is considered to involve an inventive step (PCT Article 33(3)), for the following reasons:

The insertion of a loading spring into the dispenser is not described in the available prior

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	<p>art.</p> <p>The spring enables the dispenser to be fitted to a variety of different pumps (having different degrees of stiffness). For example, by simply replacing the loading spring, two components can continue to be dispensed simultaneously when the type of pump for (at least) one of the components is replaced.</p> <p>Replacing the loading spring also enables an easy transition from the simultaneous dispensing mode to a sequential dispensing mode.</p> <p>Consequently, the subject matter of claim 1 is considered to involve an inventive step (PCT Article 33(3)).</p> <p>The subject matter of claim 1 complies with the requirements of novelty and inventive step of the PCT.</p> <p>Claims 2 to 12 are dependent on claim 1 and thus also comply, as such, with the requirements of novelty and inventive step of the PCT.</p>